

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

KEVIN D. JONES

§

VS.

§

CIVIL ACTION NO. 1:09cv257

R. ALFORD

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Kevin D. Jones, formerly an inmate at the Gist State Jail, proceeding *pro se*, brought the above-styled lawsuit.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed for want of prosecution.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

On October 2, 2009, plaintiff mailed a notice to the court that a check he claims his mother sent to the court during March, 2009 has not been cashed.<sup>1</sup> A search of court records, however, revealed no indication the court ever received such check. The dismissal of this action is without prejudice to plaintiff's ability to file another civil action after paying the filing fee or, alternatively, the court will reopen this action if the \$350.00 filing fee is paid within twenty (20) days.

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<sup>1</sup> Plaintiff did not receive the Report recommending dismissal until October 5, 2009.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this **27** day of **October, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, United States District Judge